

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:05-CR-26-1F

FILED

12-27-05

U.S. DISTRICT COURT

UNITED STATES OF AMERICA        )  
  )  
                  v.                    )  
  )  
FRANK ESQUIVEL                    )

**FINAL ORDER OF FORFEITURE**

WHEREAS, on July 29, 2005, this Court entered a Preliminary Order of Forfeiture pursuant to the provision of 21 U.S.C. § 853, based upon the defendant pleading guilty to 21 U.S.C. § 846, and agreeing to the forfeiture of the property listed in the July 29, 2005 Preliminary Order of Forfeiture, to wit:

**Substitute Asset**

Real property located at 710 Wakeland Drive, Garner, Wake County, North Carolina. Legally described at Book 9184, Pages 2701-2709 of the Wake County Registry as:

BEING all of Lot 22 of Pinehurst Park subdivision as same is shown on map thereof recorded in Map Book 1962, page 148, Wake Public Registry, reference to which is hereby made for a more particular description;

AND WHEREAS, on August 31, 2005, the United States published in a newspaper of general circulation notice of this forfeiture and of the intent of the United States to dispose of the property in accordance with the law, and further notifying

all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property;

AND WHEREAS, on December 19, 2005, the United States and the lienholder, National City Mortgage Company filed with this Court a Stipulation of Compromise Settlement as to Lienholder whereby the United States recognizes the interest of National City Mortgage Company as to the subject real property. The parties agree that the subject real property is to be forfeited to the United States and disposed of by the United States Marshal according to law, that National City Mortgage Company's lien be paid in full. After the payment of such lien, if any proceeds remain from a sale of the subject real property, those proceeds will remain with the United States;

AND WHEREAS, it appears from the record that no claims, contested or otherwise, have been filed for any of the properties described in this Court's July 29, 2005 Preliminary Order of Forfeiture, other than those specifically mentioned herein;

It is HEREBY ORDERED, ADJUDGED and DECREED:

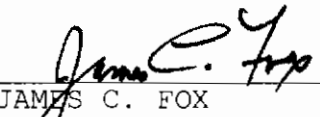
1. That the real property listed in the July 29, 2005 Preliminary Order of Forfeiture is hereby forfeited to the United States. That the United States Department of Justice is directed to dispose of the property according to law.

2. That the Stipulation of Compromise Settlement as to Lienholder filed by the United States and National City Mortgage Company on December 19, 2005 is approved.

3. That any and all forfeited funds shall be deposited by the United States Department of Justice as soon as located or recovered into the Department of Justice's Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

The Clerk is hereby directed to send copies of this Order to all counsel of record.

SO ORDERED this 27<sup>th</sup> of day December, 2005.

  
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JAMES C. FOX  
UNITED STATES DISTRICT JUDGE

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